



## **Preliminary Delineation of Waters of the United States for 3,000 Acres Near White Hills**

Prepared for  
**Rhodes Homes Arizona, LLC**

Prepared by  
**SWCA Environmental Consultants**

June 2005

**PRELIMINARY DELINEATION OF WATERS OF THE UNITED STATES  
FOR 3,000 ACRES NEAR WHITE HILLS**

**Mohave County, Arizona**

Prepared for:  
Rhodes Homes Arizona, LLC  
2215 Hualapai Mountain RD, Suite H  
Kingman, AZ 86401  
(928) 718-2210

Prepared by:  
SWCA Environmental Consultants  
2820 W. Charleston Boulevard, Suite 15  
Las Vegas, NV 89102  
(702) 248-3880

SWCA Project No. 9143-166

June 2005

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## **1.0 INTRODUCTION**

The purpose of this document is to describe the methodology used to delineate waters of the U.S. (WUS) in the project area and to present the results of the field delineation. This delineation was prepared in anticipation of submittal of a permit application for an Individual Permit in compliance with Section 404 of the Clean Water Act. It is anticipated that the landowner will develop the subject property for residential and commercial uses, but detailed site planning will be completed after a delineation of WUS is approved by the U.S. Army Corps of Engineers (COE) and the area of COE's jurisdiction is determined. Project impacts to WUS will be calculated for multiple alternatives, once a delineation is approved by the COE, to determine the least environmentally damaging, practicable alternative.

## **2.0 PROJECT LOCATION**

The project area encompasses approximately 3,000 acres in Sections 16, 20, 23, 27, and portions of 17, 21, 22, and 30 of Township 27 North, Range 20 West; and portions of Section 25 of Township 27 North, Range 21 West, Mohave County, Arizona (Figure 1). The project area is located near White Hills, approximately 30 miles northwest of the city of Kingman. It can be accessed from the west from US Highway 93 and White Hills Road. The parcels in the project area are owned by Rhodes Homes (see landowner authorization letter in Appendix A). The land surrounding the project area contains a mixture of privately owned parcels and lands managed by the U.S. Bureau of Land Management.

The project area occurs in the Mojave creosote bush scrub vegetation community at an elevation of approximately 2,400 feet above sea level. One large drainage traverses the western edge of the project area. All of the drainages in the project area are ephemeral. Vegetation within and along the drainages is sparse and consists mostly of low growing shrubs and herbaceous plants. Typical vegetation in the project area includes creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), Mormon tea (*Ephedra* spp.), burrobush (*Hymenoclea salsola*), various grasses, and some cactus species. Mesquite (*Prosopis* sp.) is present along some of the drainages.

## **3.0 PRELIMINARY DELINEATION**

### **3.1 Methodology**

Prior to conducting the field surveys, Geographic Information System (GIS) technicians mapped the project area using 2004 aerial photographs. Field maps were produced at a scale of 1"=400', which required multiple sheets to cover the entire project area. The project area boundary was uploaded into handheld Garmin Geographic Positioning System (GPS) units, which were used to record the sample point locations.

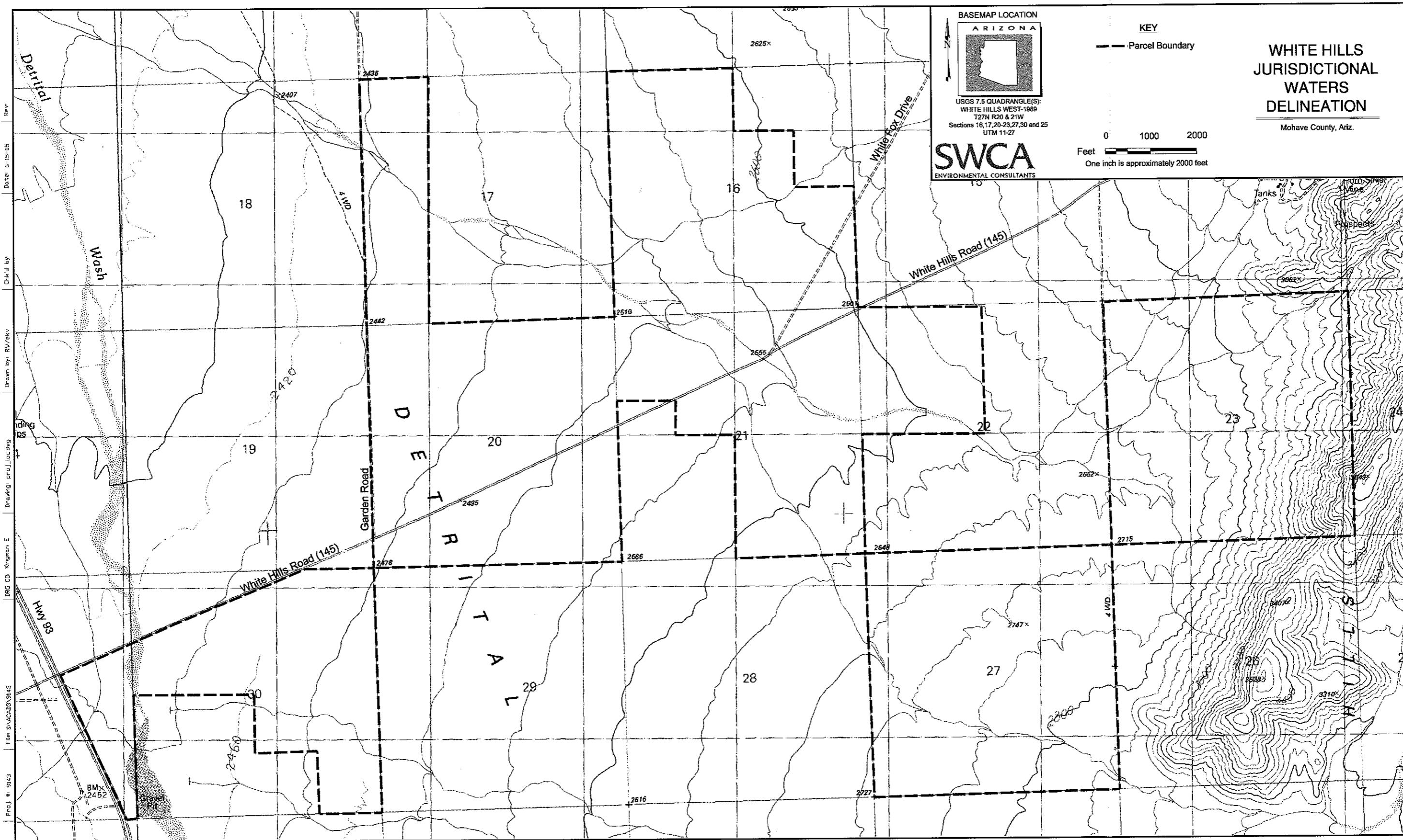


Figure 1. Project Location

3,000 Acres near White Hills  
Preliminary Delineation

Biologists familiar with delineating WUS in the arid southwest conducted field surveys on February 28, March 1 and 2, and May 10, 2005. The biologists used existing paved and dirt roads to access the project area and conduct pedestrian surveys to locate representative sample points along the drainages. The sample points were selected based on the indicators of ordinary high water (OHW); new sample points were identified approximately every 200 meters or where the OHW width substantially changed. Data collected at each sample point were recorded on forms and included the GPS coordinates of the point, OHW width of the drainage at the point, indicators of OHW, presence or absence of riparian vegetation, and other observations relevant to the delineation. Photographs of the drainages were also taken at each sample point using a digital camera (Appendix B).

The definition of the OHW mark was applied to each drainage at each sample point to determine if it met the criteria to fall within the jurisdiction of the COE. The OHW mark for non-tidal streams is defined as the "line on the shore established by the fluctuations of water and is indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding area" (33 CFR Part 328.3). The *Review of Ordinary High Water Mark for Delineating Arid Streams in the Southwestern United States* (Engineer Research and Development Center 2004) and *Guidelines for Jurisdictional Determinations* (COE 2001) were also used as guidance for determining COE jurisdiction of drainages within the project area. Drainages that did not exhibit a distinct OHW width and were overgrown with upland vegetation were not considered a WUS. Drainages that did not connect to another drainage downstream were considered isolated from WUS and were also not considered a WUS.

Following the field surveys, the GPS coordinates of the sample points were uploaded into a GIS database. A graphics technician used a combination of the field data and aerial photo interpretation to draw the ordinary high water limits onto the electronic copy of the aerial photograph. Once the polygons were complete they were quality controlled checked by a field delineator. After the quality control check, Arc View, a GIS program, was used to complete area calculations and then to export the calculations to a text file used to create Table 1 following.

**Table 1.** Summary of Potential Waters of the U.S. Identified within the White Hills Project Area

Drainage or Area ID	Area (M <sup>2</sup> )	Area (ac)
A	10081.548	2.491
A1	761.083	0.188
A2	292.168	0.072
A3	46.198	0.011
B	9748.980	2.409
C	4975.916	1.229
D	44750.081	11.058
D1	1909.098	0.472
D2	2144.125	0.530
D3	77.324	0.019
D4	2621.622	0.648
D5	4696.779	1.161
D6	10381.481	2.565
D7	6268.207	1.549
D8	55.972	0.014
D9	322.308	0.080
D10	778.235	0.192
D11	5766.746	1.425
D12	16435.548	4.061
D13	1268.827	0.314
D14	370.252	0.091
D15	61.705	0.015
D16	295.198	0.073
D17	5377.823	1.329
D18	514.624	0.127
D19	47.860	0.012
D20	145.665	0.036
D21	1465.815	0.362
D22	2597.695	0.642
D23	2958.610	0.731
D24	1212.762	0.300
D25	241.142	0.060
D26	716.898	0.177
D27	663.801	0.164
D28	261.548	0.065
D29	1781.277	0.440
D30	231.574	0.057
D31	824.211	0.204
D32	1132.825	0.281
D33	8475.981	2.094
D34	1084.696	0.268
D35	43.126	0.011
D36	440.122	0.109
D37	5156.399	1.274
D38	6788.987	1.678

Table 1. Summary of Potential Waters of the U.S. Identified within the White Hills Project Area.(continued)

Drainage or Area ID	Area (M <sup>2</sup> )	Area (ac)
D39	1181.788	0.292
D40	212.015	0.052
D41	1031.241	0.255
D42	425.503	0.105
D43	518.146	0.128
<b>Total Jurisdictional Area</b>		<b>41.920</b>

### 3.2 Results

No wetlands were identified or are expected to occur within the 3,000-acre project area. Approximately 50 drainages totaling approximately 41.92 acres were preliminarily identified as WUS in the project area. All WUS in the project area consist of ephemeral drainages with an ordinary high water width ranging in size from 2 to 110 feet. Representative photographs of the drainages are provided in Appendix B. The location of each sample point and its OHW width are shown on the aerial photographs located in the map pockets (Appendix C).

#### 4.0 REFERENCES

- Engineer Research and Development Center. 2004. Review of ordinary high water mark indicators for delineating arid streams in the southwestern United States. Edited by Robert W. Lichvar and James S. Wakeley. Prepared for Office of the Chief of Engineers and Environmental Protection Agency. January.
- U.S. Army Corps of Engineers (USACE). 2001. Final summary report: guidelines for jurisdictional determinations for waters of the United States in the arid Southwest. South Pacific Division, USACE. June.

*3,000 Acres near White Hills  
Preliminary Delineation*

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## **APPENDIX A**

### **LANDOWNER AUTHORIZATION**

June 17, 2005

U.S. Army Corps of Engineers  
Regulatory Section  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1936

Statement of Authorization

As the landowner SEDORA HOLDINGS, LLC, I, Kirk Brynjulson, hereby designate and authorize SWCA Environmental Consultants (SWCA) to act on our behalf as the agent for the jurisdictional water delineation application and/or the agent for the Section 404 application under Section 404 of the Clean Water Act and to furnish, upon request, supplemental information in support of this delineation/application. Correspondence related to the project should be directed to SWCA.

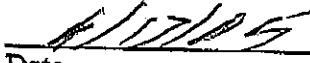
I authorize SWCA and the U.S. Army Corps of Engineers to access the project areas in WHITE HILLS: (1) Section 25, Township 27 North, Range 21 West, Mohave County, Arizona, known as tax map 317-49-062; (2) Section 16, Township 27 North, Range 20 West, Mohave County, Arizona, known as tax map 317-36-032; and (3) Section 20, Township 27 North, Range 20 West, Mohave County, Arizona, known as tax map 317-56-003 for purposes of conducting any necessary fieldwork that is required to complete this permit application. If there are any questions concerning this authorization, please contact me (Kirk Brynjulson) at either 928-718-2210 (office) or 702-325-9578 (cell).

**KIRK BRYNJULSON**

Applicant Name (printed)

  
Date

Applicant Signature

  
Title

Applicant Company Name (if applicable)  
**SEDORA HOLDINGS, LLC**

*317 49-061, 062, 063,  
078,*

**2004078051 BK 5170 PG 441  
OFFICIAL RECORDS OF MOHAWK COUNTY  
JOAN MC CALL, MOHAWK COUNTY RECORDER  
08/23/2004 11:18A PAGE 1 OF 3  
TRANSMISSION TITLE INS CO  
RECORDING FEE 16.00**

**RECORDING REQUESTED BY  
Transnation Title Insurance Company  
AND WHEN RECORDED MAIL TO:  
SEDORA, LLC  
4730 S. FT. APACHE RD. #300  
LAS VEGAS, NV 89147**

**ESCROW NO.: 01379252 - 276 - JL1**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### **Warranty Deed**

For the consideration of Ten Dollars, and other valuable considerations, I or we,  
**William Eversole, Trustee of the T.W.E. Retirement Fund Trust, dated February 22, 1985**  
 do/does hereby convey to  
**Sedora, LLC, a Nevada Limited Liability Company**  
 the following real property situated in Mohave County, ARIZONA:  
 See Exhibit A attached hereto and made a part hereof.

Pursuant to ARS 33-404, the Beneficiaries of said Trust are disclosed on Exhibit "B" attached hereto.

**SUBJECT TO:** Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.  
 And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: July 29, 2004

**SELLER:**

The T.W.E. Retirement Fund Trust, dated February 22, 1985

*William Eversole, Trustee*  
William Eversole, Trustee  
 William Eversole, Trustee

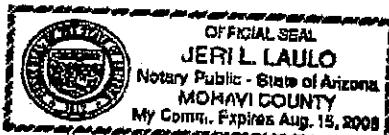
State of Arizona  
 County of Mohave } ss

This instrument was acknowledged before me this 23rd  
 day of August 2004

by William Eversole, Trustee of The T.W.E. Retirement Fund  
 Trust, dated February 22, 1985.

*Jeri L Payne nee' Hanks*  
 Notary Public

My commission will expire 8-15-06



PAGE 3 OF 3  
BK 5170 PG 442 FEE#2004078051

**Exhibit A**

**Parcel No. 1**

That portion of the Southeast quarter of the Northeast quarter of Section 25, Township 27 North, Range 21 West, of the Gila and Salt River Base and Meridian, Mohave County, Arizona, lying South of the South right-of-way of White Hills Road as described in Dedication recorded in Book 274 of Official Records, page 60, records of Mohave County, Arizona;

EXCEPT all oil, gas, coal and minerals as reserved in Deed recorded in Book 37 of Deeds, page 236, records of Mohave County, Arizona.

**Parcel No. 2**

That portion of the Southwest quarter of the Northeast quarter of Section 25, Township 27 North, Range 21 West, of the Gila and Salt River Base and Meridian, Mohave County, Arizona, lying South of the South right-of-way of White Hills Road as described in Dedication recorded in Book 274 of Official Records, page 60, records of Mohave County, Arizona, and lying East of the following described line set forth in Deed recorded in Book 800 of Official Records, page 849;

BEGINNING at a point on the South line of said Section 25, which point bears North 89° 58' 08" West, a distance of 161.68 feet from the Southeast corner of said Section 25;

THENCE from a local tangent bearing of North 16° 03' 37" West, along the arc of a curve to the left having a radius of 5821.58 feet, a distance of 779.87 feet;

THENCE North 23° 44' 09" West, a distance of 5000.00 feet to the point of terminus;

EXCEPT all oil, gas, coal and minerals as reserved in Deed recorded in Book 37 of Deeds, page 236, records of Mohave County, Arizona.

PAGE 3 OF 3  
SR 5170 PG 443 FEE#2004076051

DATE: July 28, 2004

ESCROWNO: 01379252-276-JL1

**EXHIBIT "B"**  
**TRUST DECLARATION**

**Disclosure of Beneficiaries**

Pursuant to ARS 33-404, the names of the beneficiaries of the Declaration of Trust dated February 22, 1985 are as follows:

Name: William Eversole  
Address: Box 60172, Las Vegas, NV 89160

By: William Eversole  
(Signature of Trustee)

\_\_\_\_\_  
(Signature of Trustee)

As trustee(s) of the TWE Retirement Fund Trust

(This document will be recorded at the Close of Escrow attached to the Deed)

317 36 - 032

**RECORDING REQUESTED BY**  
**Transnation Title Insurance Company**  
**AND WHEN RECORDED MAIL TO:**

**SEDORA, LLC**  
**4730 S. FT. APACHE RD. #300**  
**LAS VEGAS, NV 89147**

2004078045 BK 5170 PG 415  
 OFFICIAL RECORDS OF MOHAVE COUNTY  
 JOHN MC CALL, MOHAVE COUNTY RECORDER  
 08/23/2004 11:09A PAGE 1 OF 3  
 TRANSMISSION TITLE ZONE CO  
 RECORDING FEE 16.00

ESCROW NO.: 81379293 - 276 - JLI

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Warranty Deed**

For the consideration of Ten Dollars, and other valuable considerations, I or we,  
**William Eversole, Trustee of The White Hills Trust No. 10**  
 do/does hereby convey to

**Sedora, LLC, a Nevada Limited Liability Company**  
 the following real property situated in Mohave County, ARIZONA:

See Exhibit A attached hereto and made a part hereof.

Pursuant to ARS 33-404, the Beneficiaries of said Trust are disclosed on Exhibit "B" attached hereto.

**SUBJECT TO:** Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: July 27, 2004

**SELLER:**

The White Hills Trust No. 10

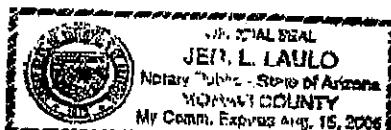
William Eversole

State of Arizona  
 County of Mohave } ss

This instrument was acknowledged before me this 23rd  
 day of August 2004  
 by William Eversole, Trustee of The White Hills Trust No. 10

Notary Public

My commission will expire 8-15-06



PAGE 2 OF 3  
BK 5170 PG 416 FEE=2004072045

Exhibit A

The South half and the Southwest quarter of the Northeast quarter and the Northwest quarter of Section 16, Township 27 North, Range 20 West of the Gila and Salt River Base and Meridian, Mohave County, Arizona.

EXCEPT therefrom all coal, oil, gas and mineral deposits as reserved in Deed recorded in Book 1058 of Official Records, page 594, records of Mohave County, Arizona.

PAGE 3 OF 3  
BK 5170 PG 417 FEE \$2004078045

DATE: July 28, 2004  
ESCROW NO: 01379293-276-JL1

**EXHIBIT "B"**  
**TRUST DECLARATION**

**Disclosure of Beneficiaries**

Pursuant to ARS 33-404, the names of the beneficiaries of the Declaration of Trust dated July 19, 1990 are as follows:

Name: William Eversole  
Address: Box 60172, Las Vegas, NV 89160

Name: Craig Chellstorp  
Address: 230 E. Flamingo #226, Las Vegas, NV 89109

Name: Linda Proctor Eversole  
Address: Box 60172, Las Vegas, NV 89160

Name: B&FG Living Trust, Frank Gallas Trustee  
Address: 3690 S. Eastern Suite 209, Las Vegas, NV 89109

Name: Patton Family Revocable Trust, Donald Patton Trustee  
Address: 1841 Port Carlow, Newport Beach, CA 92666

Name: Constance J. Matteson  
Address: 1202 N. Pearl, Tacoma, WA 98406

Name: Robert L. Heisler  
Address: 1860 Misty Glade, Las Vegas, NV 89119

By: Wes Eversole  
(Signature of Trustee)

\_\_\_\_\_  
(Signature of Trustee)

As trustee(s) of the White Hills Trust No. 10  
(This document will be recorded at the Close of Escrow attached to the Deed)

217-56-003

RECORDING REQUESTED BY  
Transnation Title Insurance Company  
AND WHEN RECORDED MAIL TO:

SEDORA, LLC  
4730 S. FT. APACHE RD. #300  
LAS VEGAS, NV 89147

ESCROW NO.: 01379303 - 276 - JLI

20040728059 BK 5170 PG 479  
OFFICIAL RECORDS OF MOHAVE COUNTY  
JOAN MC CALL, MOHAVE COUNTY RECORDER  
08/13/2004 11:21A PAGE 1 OF 4  
TRANSNATION TITLE INS CO  
RECORDING FEE 14.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,  
William Eversole, Trustee of White Hill Trust #5  
do/does hereby convey to  
Sedora, LLC, a Nevada Limited Liability Company  
the following real property situated in Mohave County, ARIZONA:  
See Exhibit A attached hereto and made a part hereof.

Pursuant to ARS 33-404, the Beneficiaries of said Trust are disclosed on Exhibit "B" attached hereto.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: July 29, 2004

SELLER:

White Hill Trust #5

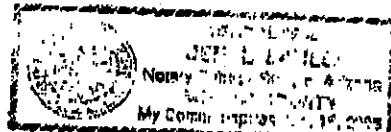
William Eversole

William Eversole, Trustee

State of Arizona  
County of Mohave } SS

This instrument was acknowledged before me this 23rd  
day of August, 2004  
by William Eversole, Trustee of White Hill Trust #5.

Jack Payne Notary Public  
My commission will expire 8-15-06



PAGE 2 OF 4  
BK 5170 PG 480 FEE#200407805P

Exhibit A

The East half of Section 20, Township 27 North, Range 20 West, of the Gila and Salt River Base and Meridian, Mohave County, Arizona;

Except therefrom that portion lying within White Hills Road, as set forth in Dedication recorded in Book 274 of Official Records, page 50, records of Mohave County, Arizona; and

Except all mineral deposits and rights as reserved by the State of Arizona in Deed recorded in Book 53 of Deeds, page 251, records of Mohave County, Arizona.

PAGE 3 OF 4  
BK 5170 PG 481 FEE#2004078059

DATE: July 28, 2004

ESCROW NO: 01379303-276-JL1

**EXHIBIT "B"**  
**TRUST DECLARATION**

**Disclosure of Beneficiaries**

Pursuant to ARS 33-404, the names of the beneficiaries of the Declaration of Trust dated August 2, 1988 are as follows:

Name:	William Eversole
Address :	Box 60172, Las Vegas, NV 89160
Name:	Mary Ann McIntosh
Address:	520 W. Market Street, Springboro, Ohio 45066
Name:	Gactane McGinnis
Address:	4975 Schuman, Las Vegas, NV 89102
Name:	Jim Salvatore
Address:	4975 Schuman, Las Vegas, NV 89102
Name:	Christopher & Jacqueline Lazzaretto
Address:	3740 Yonder Drive, Lake Havasu, AZ 86466
Name:	Nicholas Lazzaretto
Address:	108 Homewood Avenue, Libertyville, IL 60648
Name:	Frank Suffoletta
Address:	3821 Brianwood Court, Las Vegas, NV 89134
Name:	Raymond G. Zoller Retirement Trust
Address:	4550 W. Sahara #1139, Las Vegas, NV 89102
Name:	B&FG Living Trust, Frank Gallas Trustee
Address:	3690 S. Eastern Suite 209, Las Vegas, NV 89109

PAGE 4 OF 4  
8K 5170 PG 482 FEE#2004078059

Name: Roger Pleggenkuhl  
Address: 167 Drewelow Ave., Fredicksburg, Iowa 50630

Name: Allen Lee I.T.F. Donna Atkinson  
Address: 3475 E. Tompkins, Las Vegas, NV 89121

By: Wells, Evans

(Signature of Trustee)

\_\_\_\_\_  
(Signature of Trustee)

As trustee (s) of the White Hills Trust No. 5

(This document will be recorded at the Close of Escrow attached to the Deed)

June 17, 2005

U.S. Army Corps of Engineers  
Regulatory Section  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1936

Statement of Authorization

As the landowner SOUTH DAKOTA CONSERVANCY, LLC, I, Kirk Brynjulson, hereby designate and authorize SWCA Environmental Consultants (SWCA) to act on our behalf as the agent for the jurisdictional water delineation application and/or the agent for the Section 404 application under Section 404 of the Clean Water Act and to furnish, upon request, supplemental information in support of this delineation/application. Correspondence related to the project should be directed to SWCA.

I authorize SWCA and the U.S. Army Corps of Engineers to access the project area GOLDEN VALLEY SOUTH, Parcel 1A of Section 34, Township 21 North, Range 18 West of the Gila and Salt River Base and Meridian, Mohave County, Arizona, known as tax map 306-63-014, for purposes of conducting any necessary fieldwork that is required to complete this permit application. If there are any questions concerning this authorization, please contact me (Kirk Brynjulson) at either 928-718-2210 (office) or 702-325-9578 (cell).

KIRK BRYNJULSON

Applicant Name (printed)

  
Applicant Signature

6/17/05  
Date

Title

Applicant Company Name (if applicable)  
SOUTH DAKOTA CONSERVANCY, LLC

INDEXED MIGRATED

Recording Requested by:  
First American Title Insurance Agency of Mohave, Inc.



2005005027 BK 5394 PG 32  
OFFICIAL RECORDS OF MOHABE COUNTY  
JOAN MC CALL, MOHABE COUNTY REC'D  
01/14/2005 04:30P PAGE 1 OF 2  
FIRST AMERICAN TITLE INS CO  
RECORDING FEE 14.00

When recorded mail to:  
**SOUTH DAKOTA CONSERVANCY LLC**  
attn: Matt Lawson, 4730 S. Ft. Apache Rd.  
Las Vegas, NV 89147

EXEMPT ARS 11 113488

## WARRANTY DEED

File No. 292-4385733 (pib)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

**Aztec 80, An Arizona limited partnership**, the GRANTOR does hereby convey to

**First American Title Insurance Agency of Mohave, Inc., an Arizona Corporation, as Trustee under  
Trust No. 9026 and not personally, the GRANTEE**

the following described property situate in **Mohave County, Arizona**:

**Parcels 1A, 2A, 3A, 4A, and 5A shown on Parcel Plat recorded April 9, 1996, In Book 11 of Parcel  
Plats, Page 60, being a division of the Northeast quarter of the Southeast quarter (NE1/4 SE1/4) of  
Section 34, Township 21 North, Range 18 West of the Gila and Salt River Base and Meridian,  
Mohave County, Arizona.**

**Except all oil and gas, as reserved in the Patent to said land recorded in Book 1130 of Official  
Records, Page 726.**

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Book 4526 Page 288.

**Subject To:** Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way  
and easements of record.

And the GRANTOR binds itself and its successors to warrant the title as against its acts and none other, subject to  
the matters set forth.

DATED: December 14, 2004

**Aztec 80**

*[Handwritten signature]*  
Authorized Signor

2Bn - 62 - A14

A.P.N.: 306-63-015

Warranty Deed - continued

File No.: 292-4385733 (pib)

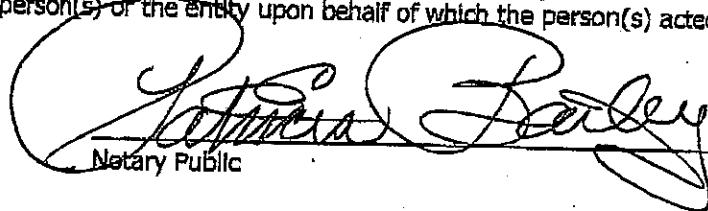
PAGE 2 OF 2  
BK 5394 PG 328 FEE#2005005027

STATE OF ARIZONA)  
County of Mohave)ss.

On January 13 2005, before me, the undersigned Notary Public, personally appeared J. M. Rader, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

My Commission Expires:

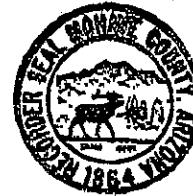


Patricia Bailey  
Notary Public



*dk*  
 Recording Requested by:  
 First American Title Insurance Agency of Mohave, Inc.

When recorded mail to:  
 SOUTH DAKOTA CONSERVANCY LLC  
 attn: Matt Lawson, 4730 Pt. Apache Rd. Ste 300  
 Las Vegas, NV 89147



INDEXED MISNUMBERED

2005005028 BK 53P4 PG 32  
 OFFICIAL RECORDS OF MOHAVE COUNTY  
 JOAN MC CALL, MOHAVE COUNTY RECORDER  
 01/14/2005 04:31P PAGE 1 OF 2  
 FIRST AMERICAN TITLE INS CO  
 RECORDING FEE 16.00

## SPECIAL WARRANTY DEED

(Trust)

File No. 292-4385733 (pib)

Trust No. 9026

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, **First American Title Insurance Agency of Mohave, Inc.**, an Arizona Corporation, as TRUSTEE, under Trust No. 9026, and not personally the GRANTOR herein, does hereby convey to

**SOUTH DAKOTA CONSERVANCY LLC**, a Nevada Limited Liability Company, the GRANTEE,

the following described property situate in **Mohave County, Arizona**:

**Parcels 1A, 2A, 3A, 4A, and 5A shown on Parcel Plat recorded April 9, 1996, in Book 11 of Parcel Plats, Page 60, being a division of the Northeast quarter of the Southeast quarter (NE1/4 SE1/4) of Section 34, Township 21 North, Range 18 West of the Gila and Salt River Base and Meridian, Mohave County, Arizona.**

**Except all oil and gas, as reserved in the Patent to said land recorded in Book 1130 of Official Records, Page 726.**

The disclosure of trust beneficiaries is recorded in **Book 4526 Page 288**.

**Subject To:** Existing taxes, assessments, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title as against its acts and none other, subject to the matters set forth.

DATED: December 14, 2004

**First American Title Insurance Agency of Mohave, Inc.,**  
 as TRUSTEE, and not personally,

By:   
 Patricia Bailey, Trust Officer

Aztec 80

306-43-014  
 306-63-015  
 306-63-016  
 306-63-017  
 306-63-018

A.P.N.: 306-63-015

Warranty Deed - continued

File No.: 292-4385733 (plib)

STATE OF AZ

)  
)ss.  
)

County of Mohave

PAGE 2 OF 2  
BK 5394 PG 330 FEE#2005005028

On 1-14-2005, before me, the undersigned Notary Public, personally appeared Patricia Bailey, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

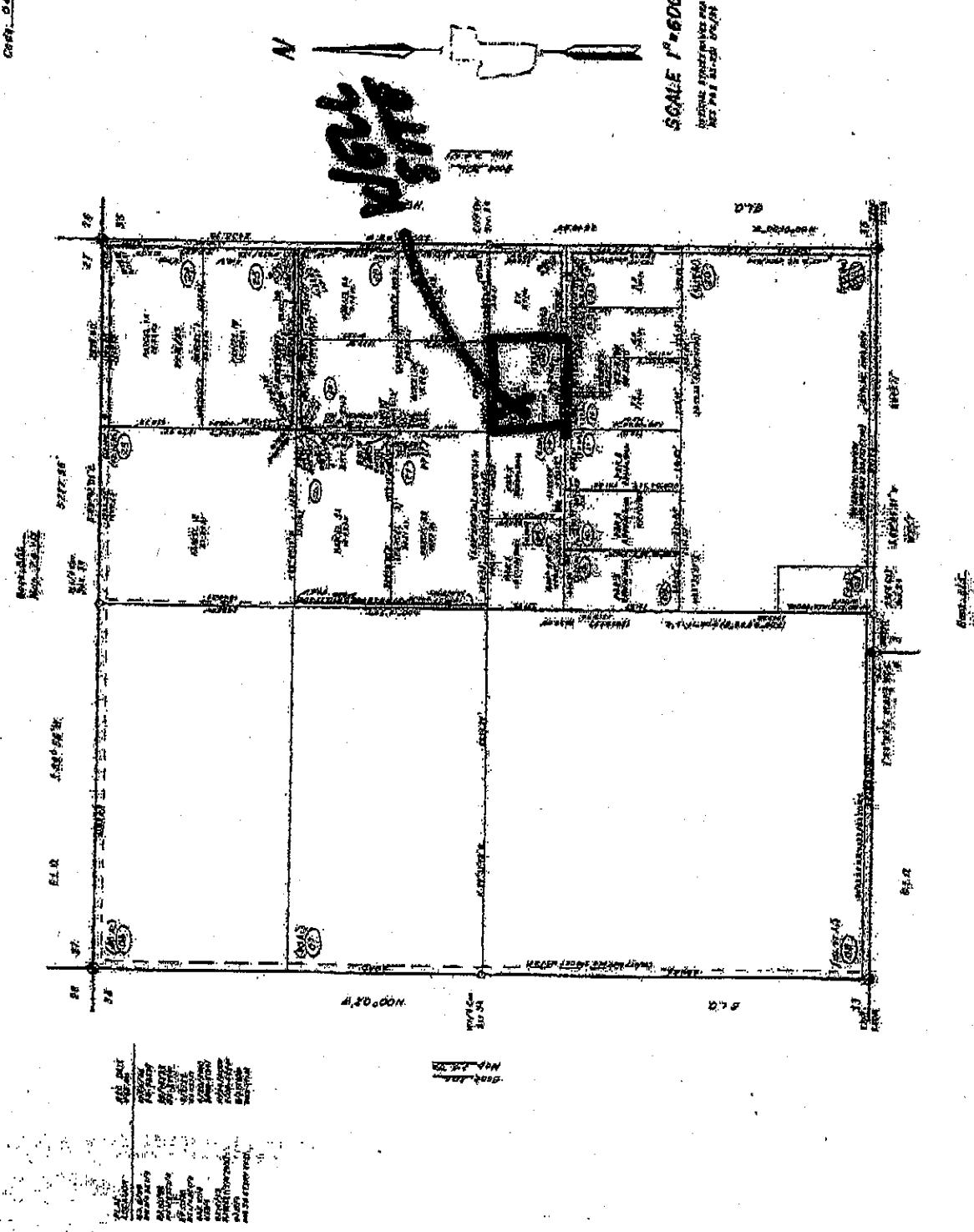
Kay Woods  
Notary Public



BOOK 306  
MAP 63  
SERIALS 6452

MONTAUK COUNTY  
ASSESSOR'S MAP

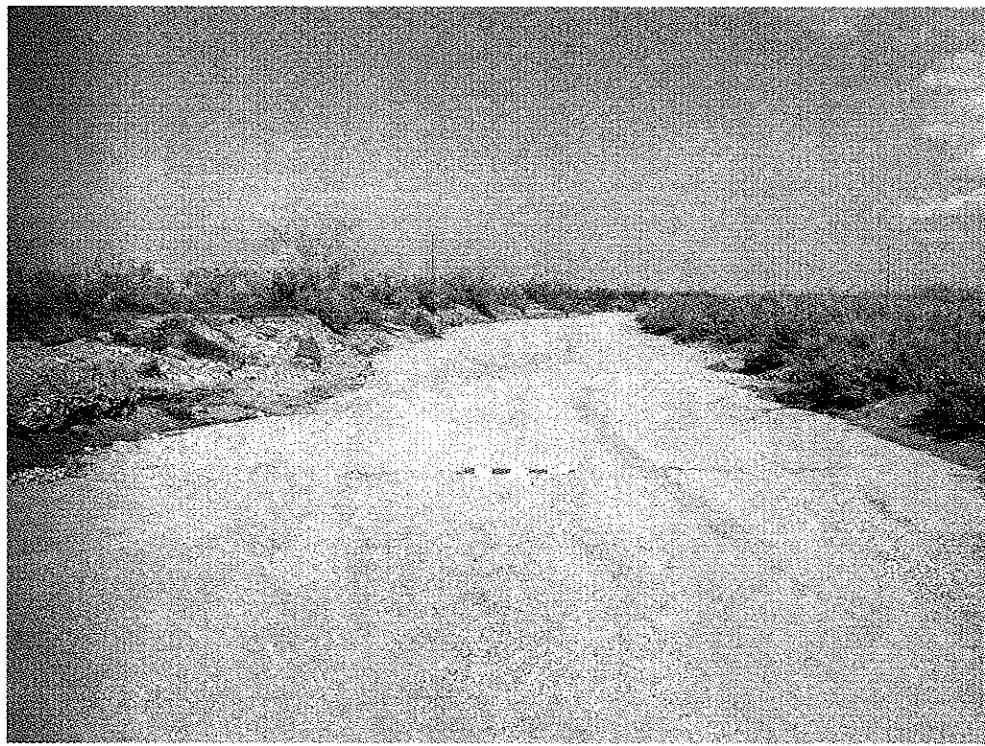
216, 164, 34



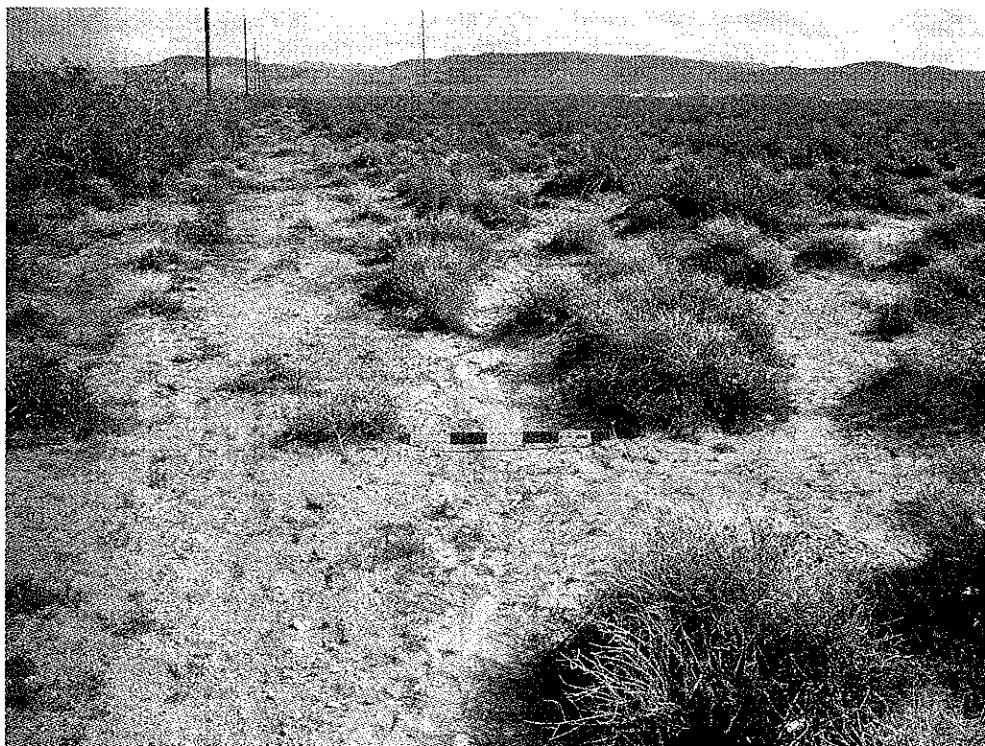
## **APPENDIX B**

### **REPRESENTATIVE PHOTOGRAPHS**

## White Hills

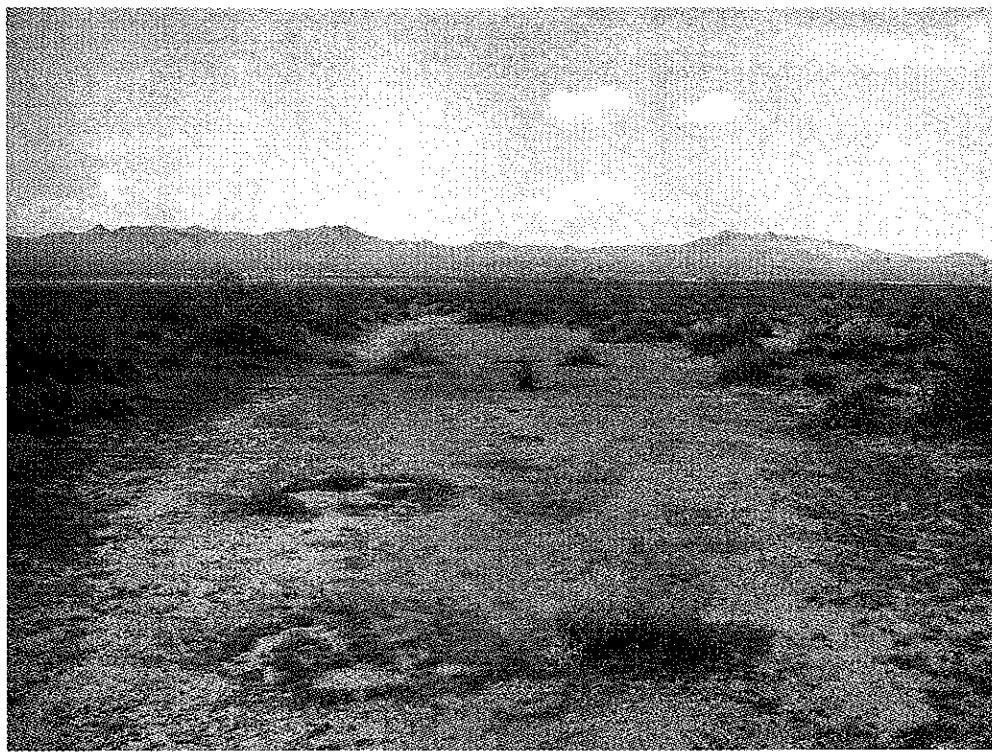


Aerial 1, Point 4, Wash A. Approximately 25 feet wide at this location.

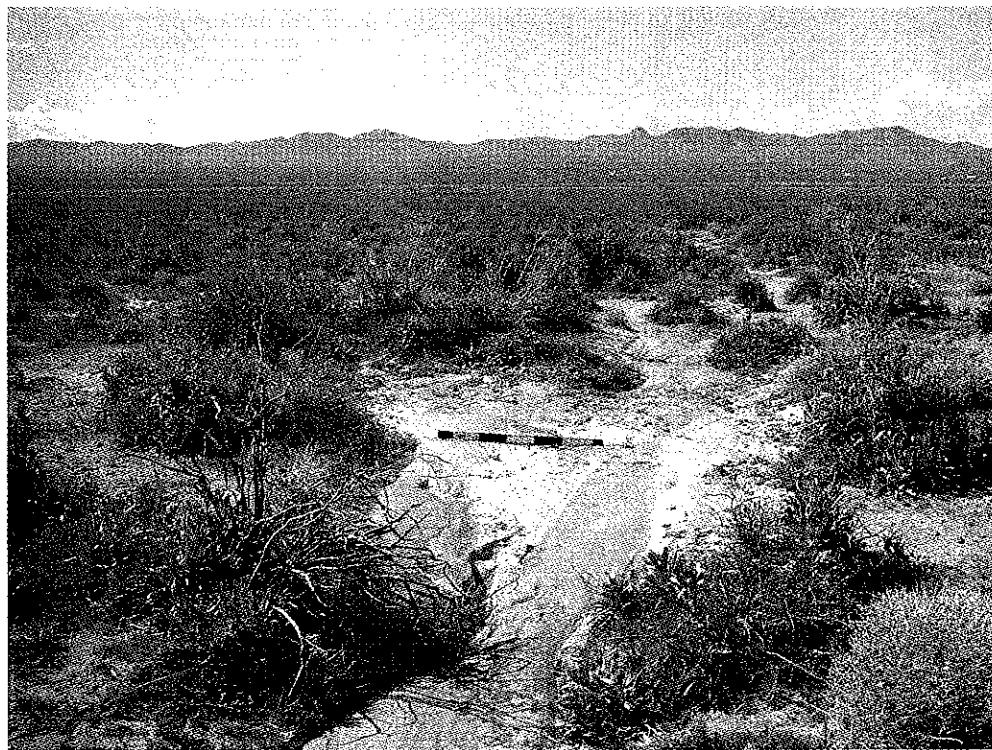


Aerial 1, Point 6. Photo facing into the project area. Due to the lack of consistent channel characteristics, SWCA determined this area as not potentially jurisdictional.

**White Hills**

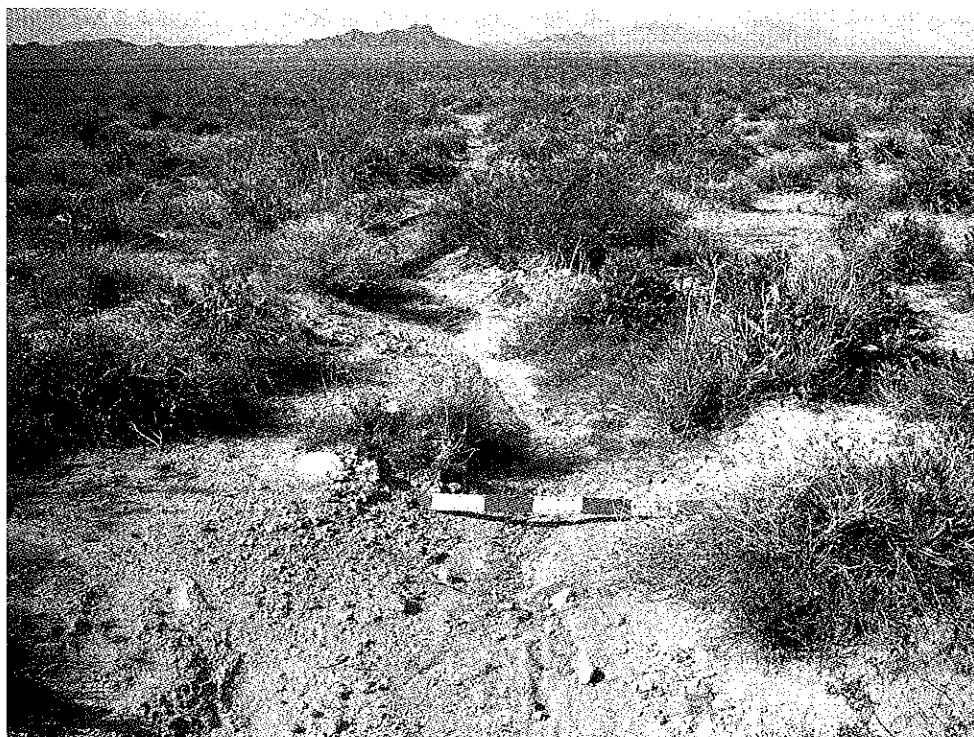


**Aerial 1, Point 8.** Due to the lack of consistent channel characteristics, SWCA determined this area as not potentially jurisdictional.



**Aerial 1, Point 12, Wash A3.** Approximately 4 feet at this location.

## White Hills



**Aerial 2, Point 18.** Due to the lack of consistent channel characteristics, SWCA determined this area as not potentially jurisdictional.



**Aerial 2, Point 34.** Due to the lack of consistent channel characteristics such as sandy bottom or change in substrate, SWCA determined this area as not potentially jurisdictional.

**White Hills**

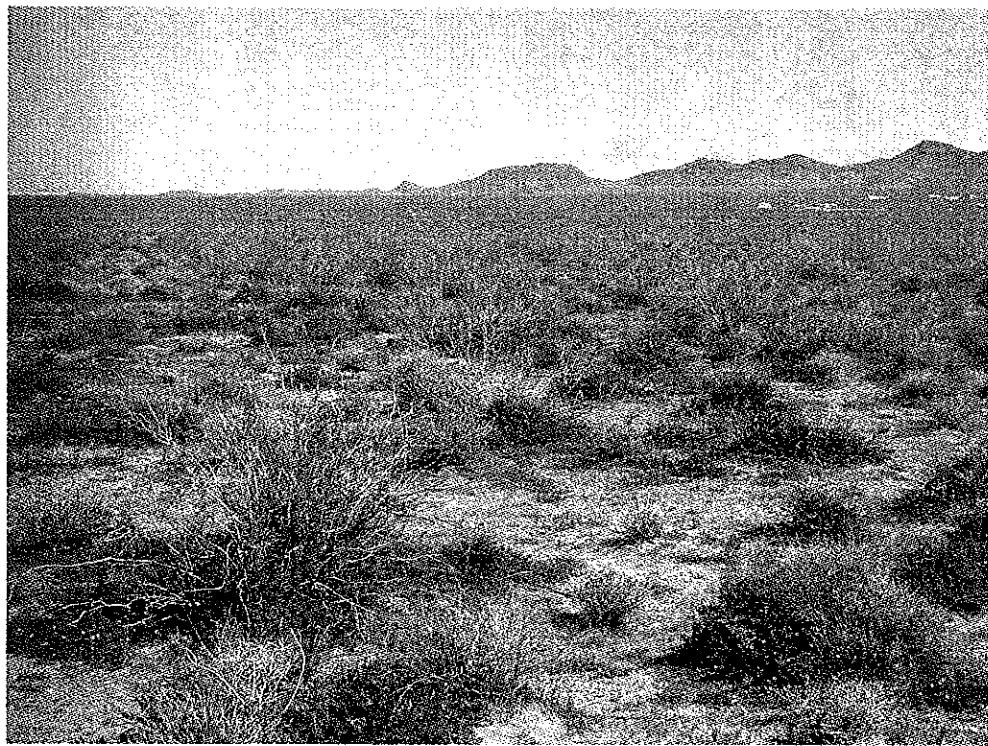


**Aerial 2, Point 54, Wash C.** Wash measures approximately 9 feet wide at this location.



**Aerial 2, Point 64.** Due to the lack of consistent channel characteristics, SWCA determined this area as not potentially jurisdictional.

## White Hills

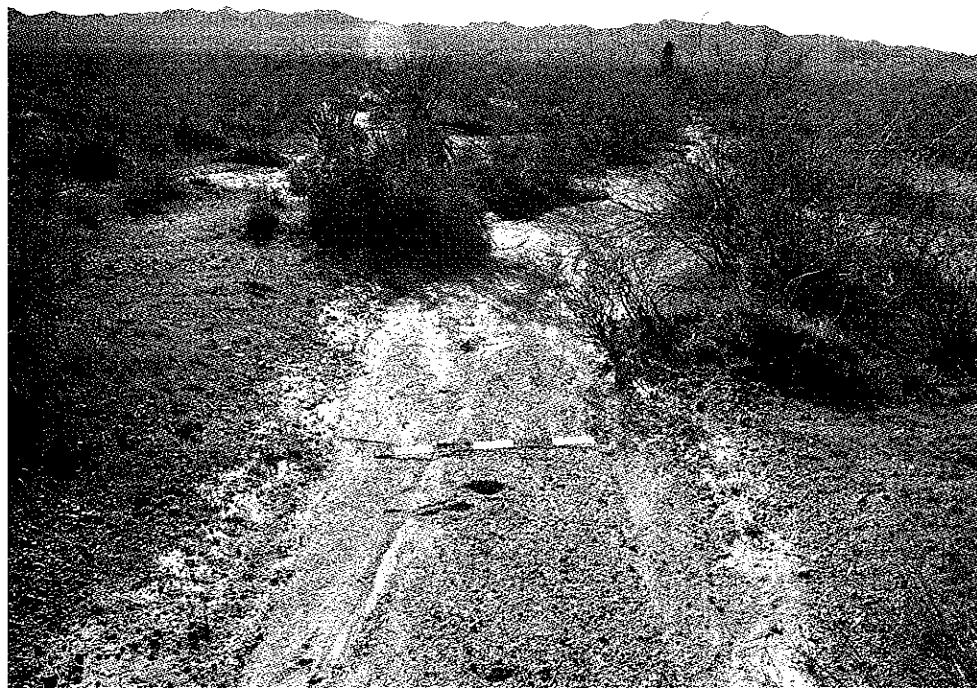


**Aerial 3, Point 57.** Due to the lack of channel characteristics, SWCA determined this area as not potentially jurisdictional.

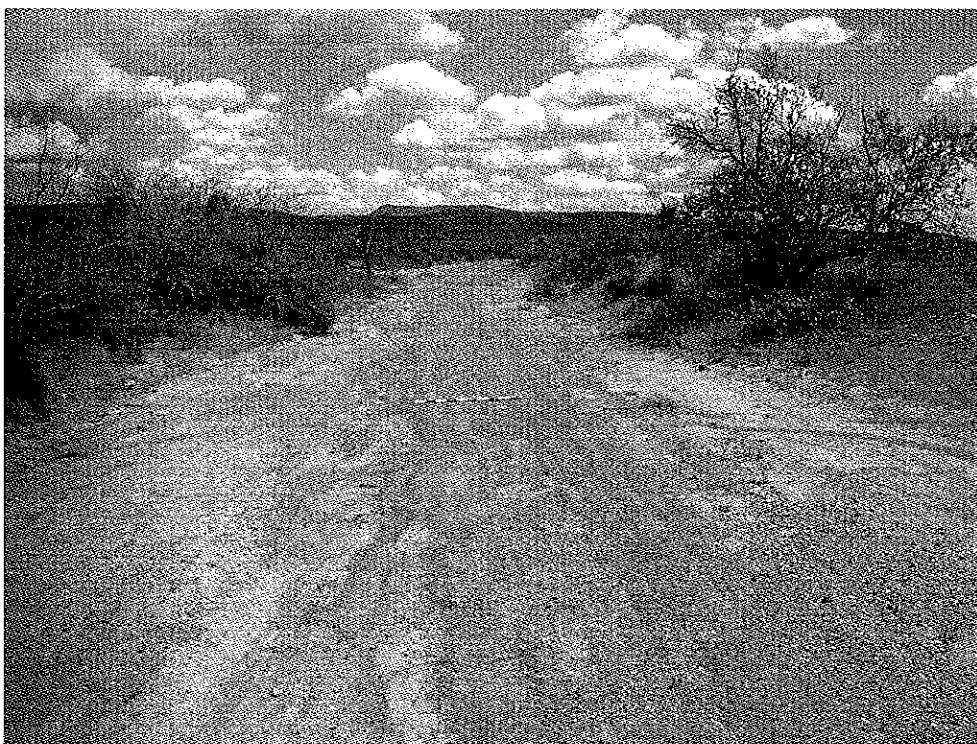


**Aerial 3, Point 74.** Due to the lack of consistent channel characteristics and small channel size, SWCA determined this area as not potentially jurisdictional.

**White Hills**

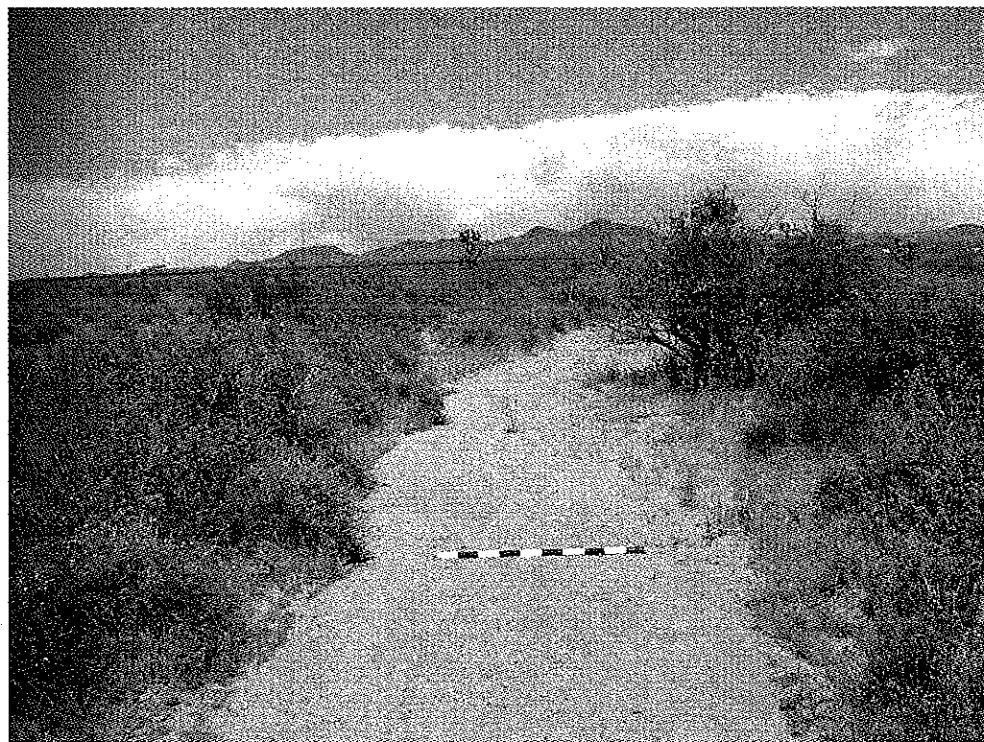


**Aerial 3, Point 79, Wash D4.** Wash measures approximately 4 feet at this location.

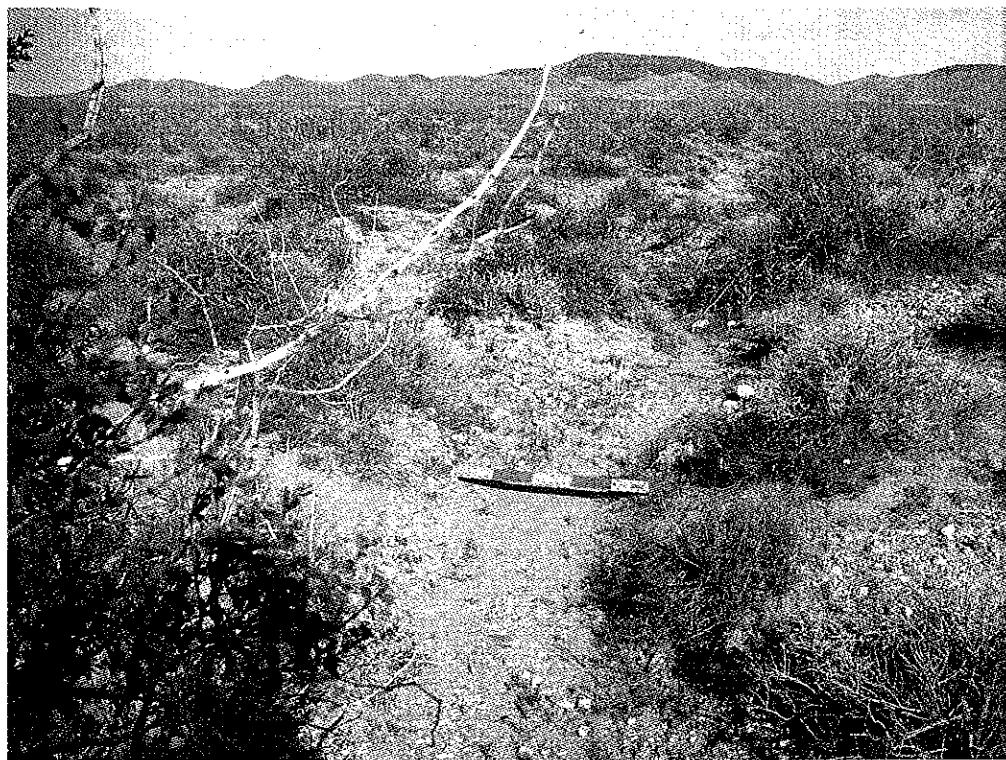


**Aerial 3, Point 34, Wash D.** Wash measures approximately 20 feet at this location.

## White Hills



**Aerial 3, Point 38, Wash D1, Wash measures approximately 5.5 feet at this location.**



**Aerial 4, Point 75. Due to the lack of channel characteristics, SWCA determined this area as not potentially jurisdictional.**

## White Hills

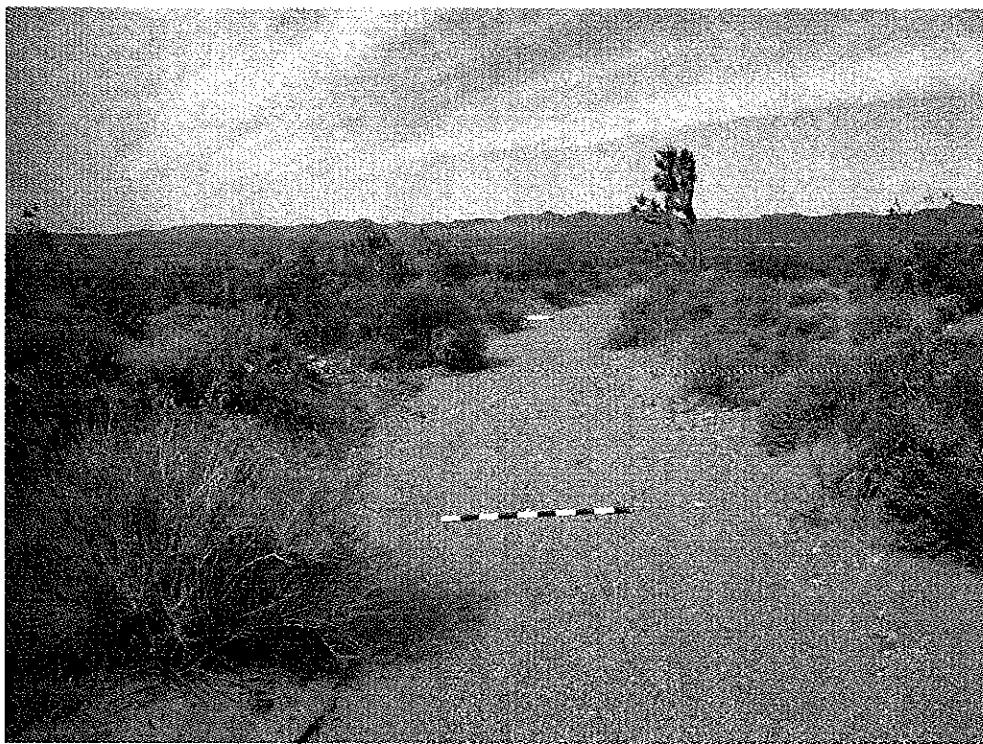


**Aerial 4, Point 137.** Due to the lack of consistent channel characteristics and small channel size, SWCA determined this area as not potentially jurisdictional.



**Aerial 4, Point 2, Wash D7,** Wash measures approximately 6 feet at this location.

**White Hills**



**Aerial 4, Point 8, Wash D6.** Wash measures approximately 6.5 feet at this location.



**Aerial 5, Point 126, Wash G.** Wash measures approximately 12 feet at this location.